IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

WRIT PETITION NO. 53 (MS) OF 2002

Indrajeet Malik,
S/o Shri P.S. Malik,
Owner Shanti Sudan Road Carrier,
Head Office 9798, Transport Nagar,
T.P.T. Centre Rohtak Road,
Punjabi Bagh, New Delhi. .....Petitioner.

Versus

1. Presiding Officer, Labour Court, Dehradun.
2. Ram Nath Saini, S/o Shri Ilam Chand Saini, Village Matlabpur, P.O. Roorkee, Distt. – Haridwar.
3. Manager Bharat Gas Plant, Village Handora, Distt.- Haridwar. .....Respondents.

Dated: 28.06.2006

Hon'ble Rajesh Tandon, J.

Heard Sri M.C. Pant, Advocate for the petitioner and Standing Counsel for the respondents no. 1.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 09.08.2001.

Briefly stated, according to the case of the petitioner, he is a private Road Transporter and involved in carrying gas cylinders from various out Bottling Plants.

Respondent no. 2 filed a Misc. Case bearing No. 95 of 2001 under Section 33 © (2) of the Industrial Disputes Act

against the petitioner and respondent no. 3. Against the same, the petitioner filed a written statement and opposed the aforesaid claim. Respondent no. 2 filed its rejoinder affidavit.

Petitioner has submitted that on 26.07.2001 he was directed to bring the attendance and payment register and the date was fixed on 09.08.2001. On 09.08.2001, the petitioner filed his objection against the summoning of documents, but according to the petitioner, the respondent no. 1 without deciding his application, recorded that the opposite party has not produced the required register. Hence the order was reserved.

On 23.08.2001, the petitioner came to know that the order has been passed directing to pay the amount of claim of Rs. 14,000/- along with Rs. 1000/- cost and interest @ 12% per month w.e.f. December, 2000.

Against the aforesaid order, the petitioner has moved an application on 24.08.2001, but the same has not been decided.

Grievance of the petitioner is that under Section 33 © 2, labour Court is empowered only to compute and determine the wages to which the workman is entitled on the basis of an award.

Petitioner has submitted that he has deposited the amount in pursuance of the order passed by this Court. The same shall be remitted to the labour Court and the same shall be paid to the respondent no. 2. The respondent no. 2 undertakes to abide by the order passed by the tribunal.

A writ of certiorari is issued quashing the order dated 09.08.2001. The matter is sent back to the Labour Court, Dehradun, who shall decide the matter expeditiously after perusing all relevant records.

Writ petition is allowed. No order as to costs.

(Rajesh Tandon, J.)

28.06.2006
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